

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Civil Action No. 6:20-cv-00727-ADA
6:20-cv-00728-ADA
6:20-cv-00730-ADA

JURY TRIAL DEMANDED

Public Version

**BRAZOS'S UNOPPOSED MOTION FOR LEAVE TO FILE
SUR-REPLY IN OPPOSITION TO HPE'S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION PURSUANT TO FRCP 12(b)(1)**

On October 7, 2021, Defendant Hewlett Packard Enterprise Company (“HPE”) filed Motions to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(b)(1) in Case Nos. 6:20-cv-00726-ADA, -727, -728, and -730. At a discovery hearing held October 12, 2021, the Court requested that the parties expedite briefing in one of these cases and granted permission for plaintiff WSOU Investments LLC d/b/a Brazos Licensing and Development (“Brazos”) to file a sur-reply in connection with the expedited briefing. *See* Tr. at 32:2-23. HPE filed its reply on Monday, October 25 and Brazos filed its sur-reply on Thursday, October 29. HPE has now filed, on Thursday, October 29, its replies in the remaining three cases. In order to complete the record in these remaining three cases — Nos. 6:20-cv-00727-ADA, -728, and -730 — Brazos requests that the Court grant it leave to file sur-replies. A copy of the sur-reply that Brazos intends to file, along with its supporting documents, is provided herewith.

Counsel for Brazos has conferred with counsel for HPE prior to filing this motion and HPE does not oppose this request. Brazos therefore respectfully requests that the Court enter an

order granting it leave to file its Sur-Reply in Opposition to HPE's Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to FRCP 12(b)(1). A Proposed Order is attached.

Respectfully submitted,

Dated: October 29, 2021

Edward J. Naughton
Massachusetts Bar No. 600059
enaughton@brownrudnick.com
Rebecca MacDowell Lecaroz
Massachusetts Bar No. 666860
rlecaroz@brownrudnick.com
BROWN RUDNICK LLP
One Financial Center
Boston, Massachusetts 02111
telephone: (617) 856-8200
facsimile: (617) 856-8201

Timothy J. Rousseau
New York Bar No. 4698742
trousseau@brownrudnick.com
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
telephone: (212) 209-4800
facsimile: (212) 209-4801

David M. Stein
Texas State Bar No. 797494
dstein@brownrudnick.com
Sarah G. Hartman
California State Bar No. 281751
shartman@brownrudnick.com
BROWN RUDNICK LLP
2211 Michelson Drive, 7th Floor
Irvine, California 92612
telephone: (949) 752-7100
facsimile: (949) 252-1514

Counsel for Plaintiff
WSOU Investments, LLC d/b/a
Brazos Licensing and Development

CERTIFICATE OF SERVICE

I certify that the foregoing document was served upon all counsel of record via the Court's CM/ECF electronic filing system in accordance with the Federal Rules of Civil Procedure on October 29, 2021.

/s/ Raymond W. Mort, III
Raymond W. Mort, III